

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

<i>In re:</i>	§	
	§	
KrisJenn Ranch, LLC,	§	CHAPTER 11
	§	
<i>Debtor</i>	§	CASE No. 20-50805

KrisJenn Ranch, LLC, KrisJenn Ranch,	§	
LLC-Series Uvalde Ranch, and KrisJenn	§	
Ranch, LLC-Series Pipeline ROW, as	§	
successors in interest to Black Duck	§	
Properties, LLC,	§	
	§	ADVERSARY No. 20-05027
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	
DMA Properties, Inc. and Longbranch	§	
Energy, LP,	§	
	§	
<i>Defendants.</i>	§	

DMA Properties, Inc. and Frank Daniel	§	
Moore,	§	
	§	
<i>Counter-Plaintiffs and Third-Party</i>	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	ADVERSARY No. 20-05027
KrisJenn Ranch, LLC, KrisJenn Ranch,	§	
LLC-Series Uvalde Ranch, KrisJenn	§	
Ranch, LLC-Series Pipeline ROW, Black	§	
Duck Properties, LLC, Larry Wright, and	§	
John Terrill, Granstaff, Gaedke, &	§	
Edgmon, P.C., David Strolle, and	§	
McLeod Oil, LLC,	§	
	§	
<i>Third-Party/Counterdefendants.</i>	§	

LONGBRANCH'S UNOPPOSED MOTION FOR LEAVE TO AMEND

Longbranch Energy, LP ("Longbranch") moves for leave to amend its pleadings to assert claims against KrisJenn, its series, Larry Wright, John Terrill, and Mcleod Oil.

BACKGROUND

This case concerns the parties' respective rights and interests in a pipeline right-of-way. In 2015, Longbranch secured the right to purchase the right-of-way from Express Pipeline, LLC. Longbranch later assigned its right to purchase the right-of-way to Black Duck Properties, LLC but retained a 20% net-profits interest in the right-of-way that attaches and runs with the land. In April 2020, KrisJenn filed this adversary proceeding seeking a declaration that Longbranch's interests do not attach and run with the land.

Longbranch now files this unopposed motion to amend its pleading to add counterclaims against KrisJenn and its series, as well as Larry Wright, John Terrill, and Mcleod Oil.

ARGUMENT

Rule 15(a)(2) provides that courts should "freely give leave when justice so requires." FED. R. CIV. P. 15(a)(2). This standard "evinces a bias in favor of granting leave to amend," and courts may only deny leave when faced with a substantial reason, such as undue delay, bad faith, dilatory motive, repeated failures to cure deficiencies, futility, or undue prejudice to the opposing party." *Mayeaux v. La. Health Serv. & Indem. Co.*, 376 F.3d 420, 425 (5th Cir. 2004); *Stripling v. Jordan Prod. Co.*, 234 F.3d 863, 873 (5th Cir. 2000).

Here, there is no substantial reason to deny leave to amend. Longbranch's claims largely mirror the claims already asserted in this action by DMA Properties and Frank Daniel Moore. KrisJenn, Wright, and Terrill are already on notice regarding the factual bases for these claims. Further, as observed above, KrisJenn and Wright have stated that they are unopposed to this motion.

In addition, Longbranch was initially unaware that McLeod has a real property interest in the right-of-way. Subsequently, Longbranch learned that McLeod has acquired (a) an option to purchase the right-of-way, and (b) a security interest in the right-of-way.

Both of these interests are real property interests, and because McLeod has an interest in the right-of-way, McLeod is a necessary party with respect to the declaratory claims. *See* FED. R. CIV. P. 57 Advisory Committee Notes (“[A]ll parties having an interest therein or adversely affected must be made parties . . .”).

CONCLUSION

Longbranch respectfully requests the Court grant its unopposed motion for leave to amend.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2020 a true and correct copy of the foregoing document was transmitted to each of the parties via the Court's electronic transmission facilities and/or via electronic mail as noted below. For those parties not registered to receive electronic service, a true and correct copy of the foregoing document was served by United States Mail, first class, postage prepaid, at the address noted below.

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